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WHOLE NO. 1707.

Hawaiian Gazette.

SEMI-WEEKLY.

ISSUED TUESDAYS AND FRIDAYS

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RUBBER

STAMPS

At Gazette Office.

THE KAHUNA CAPTURED

A Good Feast of Awa Costs Money.

A FAKIR FINED THE LIMIT.

The Wife of a Sick Man Calls a Kahuna. A Failure to Cure Leads to a Kick. The Kahuna Fined One Hundred Dollars—Had No Doctor's Diploma.

There was a most interesting kahuna case in the police court yesterday the details of which brought frequent smiles to the usually sober faces of the officials of the court room. It was the old story of taro leaf, awa root and other tomfoolery for the cure of diseases. Kahaleole happened to be the unlucky kahuna. Arraigned against him were several women who testified that the man had "done them up."

A short time ago a man by the name of Hamakuumoo was taken sick. A native kahuna, Lilihi, was called in attendance and recommended that he and his wife be removed to a house on the McCully premises, Punahou. This they did. Lilihi went to the house later and said that the Great Powers of Nowhere had refused to listen to him regarding the cure of the sick man, so he spread his coat and turned from the door leaving the household in a perplexed condition.

But the influences were at work and Pahupu, an inmate of the house, had a wonderful dream in which were revealed mysterious things. On the witness stand Pahupu said she went to bed at night and while lying upon a particularly hard spot of her couch she saw the spirit of a medium-sized man. In his eyes were that far away look and that brilliant lustre which betoken mystery. Advancing to her spirit, the two touched noses and began a pow-wow. Said the deep voice of the man's spirit, "I have seen the sickness of your friend mam; I have seen his swollen body; know that I without much trouble can restore to health and strength." Then the woman's spirit vouchsafed answer, "If the case be such, you might as well cure him."

Then the spirit held up a bottle of peculiar hue and the woman sighed mournfully. She wakened and went, midnight as it was, to the room of the sick man and his wife. While on the way, a distance of a few feet, she became wrapped in meditation. Had she seen the man before or was it a fake? And if a fake what species of that indefinite article was it? But then the dream was very plain, the man she had seen once a very short time ago. She remembered now he had been to see her about getting some awa root. She refused and Haleole left mumbling vague things. Immediately her body began to swell and she saw toads swimming before her eyes. She was taken to the hospital and restored to health. The outcome of the affair was that Kahaleole was called in.

Then came the circus and the light went out amid the howling of dogs. Kahaleole with one eye closed and the other looking heavenward came in the door with a gust of wind. Pahupu being the most spiritual looking woman in the lot he called her to his side and gave his directions as follows: "I am Kahaleole, only son of my father, Ikeole, and my mother, Lolo. I can cure this man if you follow my directions. When your dog begins his barking, kindle out upon the lawn a fire hot as hell's own furnace. In your right hand take five taro leaves and in your left five chicken eggs. When a bluish flame appears throw the contents of both hands into the fire. Watch this bottle which I have; peculiar fluid is contained therein." Pahupu on smelling found the contents to be wine and brandy. "Pound some awa root with the heel of your shoe and add thereto a little mysterious water. This apply to the patient's body in

spots where the swelling appears. When the application dries apply more water. Do this all in soberest mood and at nightfall your friend will rise as a new man."

"But there is one part which I have not told," said the woman Pahupu. "Before these instructions were given, Kahaleole asked for a dollar. He said a dollar was necessary in order that he might be able to look into the mysterious abode of spirits and learn the bidding of the bosses thereof. Kahakumaka, the sick man's wife, threw a dollar at her husband. The sick man grasped the coin and threw it nearer to the kahuna, who took it and delivered himself as follows: 'This dollar my beloved I intend to spend mostly for refreshment with which to strengthen my body and thus my spirits in the interest of that poor man. The remainder I intend to put in the contribution box at the Catholic cathedral. Blessed be the dollar, and that is the last I or anyone else ever saw of that particular coin. He left us while the wind began to play sundry tunes through the branches of the algaroba trees, and with the early piping of the little birds, the patient died.'

As the woman finished her story Kahaleole sighed and gazed at an ant on the floor while Judge Perry fined him \$100 for maintaining and conducting a game of lottery known as kahunaism.

A WAR VETERAN.

Sam McKeague Proud of a Medal.

A Souvenir of the G. A. R.

Sam McKeague was the delegate sent by Geo. W. De Long Post, No. 45 of Honolulu, to the G. A. R. Encampment at Louisville, Ky., September 11, 12 and 1895. As a souvenir of that occasion he received a badge from headquarters on the last Australia. The facts connected with it are extremely interesting.

The medal in the souvenir was procured by melting and blending the two war cannons donated to the Citizens' Committee of Louisville by an Act of Congress, February 28, 1895. The cannons were shipped from the Rock Island arsenal, reaching Louisville, May 17th. They were escorted through the principal streets with great honors. Both were in actual service in the civil war, one on the Union and the other on the Confederate side. The Union gun was made by N. P. Ames of Springfield, Mass., in 1842, and the Confederate gun by Leeds & Co., New Orleans, La., in 1862.

The upper part of the medal is the figure of a horse and immediately below this is a flat piece of metal upon which are stamped a barrel and a spray of the tobacco plant separated by the letters G. A. R. The horse represents the famous horse-raising State of Kentucky, the barrel the famous "Bluegrass" whiskey and the tobacco, the extra fine article of Kentucky.

Below this is a round piece of metal upon which has been stamped a Union and a Confederate soldier in the act of shaking hands. The words "United we stand, divided we fall," stand out prominently.

The encampment at Louisville was the first ever held south of Dixie's line, and for that reason it was deemed appropriate for the occasion to blend the cannon of the north and south as the emblem of the existence of good feeling.

Better Have Been a Banner.

MR. EDITOR:—Putting up the flag of my nation over the gates of the church to which I belong is a very objectionable thing to me, as it has a political and not a religious significance. If the party, or parties, who put it up had substituted a banner of some kind instead it would have been better.

A CATHOLIC HAWAIIAN.

The wife of Mr. Leonard Wells, of East Brimfield, Mass., had been suffering from neuralgia for two days, not being able to sleep or hardly keep still, when Mr. Holden, the merchant there, sent her a bottle of Chamberlain's Pain Balm, and asked that she give it a thorough trial. On meeting Mr. Wells the next day he was told that she was all right, the pain had left her within two hours, and that the bottle of Pain Balm was worth \$5.00 if it could not be had for less. For sale at 50 cents per bottle by all dealers. Bessons, Smith & Co., agents for H. I.

NO INCREASING TAXES.

A Panacea for All Complaints.

SUGGESTED BY A LAND HOLDER.

Increased Expense With a Stationary Revenue—A Higher Tax Levy for Two Years—The Stability of Government—A Merchant's Views, Etc.

Some complaints have been made by individuals against what they consider an exorbitant tax rate in Hawaii, and the complaint is made probably without giving the matter any real consideration or comparing the tax rate here with that of localities in the United States.

Among some people the opinion prevails that in order to meet the expenses incurred during the January revolution, and again on account of suppression of cholera, that a much higher rate will have to be fixed this year.

A prominent business man and large holder of real estate remarked to a reporter for the ADVERTISER yesterday:

"I am in favor of an increased tax rate, say for the next two years, in order that the Government may be placed on a sounder financial basis. I do not mean that the higher rate shall continue indefinitely, because I do not consider it necessary. Two years from this time matters will be in a more settled condition and the expenses of the Government will have been cut down to a really normal figure, and it will not require the same amount of money to support it. It would be very nice if we could have a large surplus in the treasury, but I do not think it advisable to burden the people with taxation in order to secure it."

"What do I mean by a 'normal figure'? Why, considerably below what it is now, and it will come through a reduction in the expenses of certain departments, and when the expense of the entire Government is not larger than the revenue the finances of the Government will be in such shape that the head of that department will not be held responsible for the difficulty that is experienced at times to meet current expenses."

"But suppose at the end of two years the Government, through your scheme for increasing the taxes, is not more stable, what will be your remedy then?"

"Continue the rate for another two years," promptly replied the merchant. "But you know that stability means ability to pay bills promptly. It is with the Government as it is with business. Let a firm be in a position through its profits to be able to liquidate its bills promptly and you will find everyone extolling the ability of the man at the head and the stability of the house will not be questioned. On the other hand, if the expense of conducting the business should be greater than the profits on the goods sold, and bills which had been formerly discounted were allowed to run on to maturity and beyond and extensions were asked, the stability of that firm would be questioned in short order."

"Now, as a matter of fact, you, as a taxpayer, would object to an increase in taxes, would you not?"

"Not much! If I thought I would I am sure the suggestion for it would not come from me. Why should I object? I have as much at stake here as the average man and I am willing to pay my pro rata toward putting the Government on a sounder financial basis. See here," and the gentleman began to show some feeling on the subject, "the Hawaiian Islands are as fine a locality as any in the world as a place of residence, and yet there is a constant howl by certain individuals regarding taxes and stability of government. Look at this," and he drew out a newspaper clipping covered with figures, "here is the tax list of Santa Clara county, California, look at it. In 1850 the tax rate was \$2.25, four years later it was down to \$1.40. In 1860 the rate was \$2.60. Today it is \$1.45.

In 1850 the amount raised was \$109,874.13 and in 1895 the amount raised was \$745,949.52. The increase in amount raised with a reduction in the levy is accounted for, of course, in two ways—the increase in population and the natural increase in the value of the property. The rate is governed entirely by circumstances. It should be the same here."

"But, would not this increase in taxation cause dissatisfaction among the residents generally?"

"Only among the people who are crying down the government—people whose loyalty is governed by the amount of business they get out of it; men who growl if they get no business, and by the others who occasionally have to wait three months to collect their accounts against the various departments. And that reminds me. The business of this country is done practically on a three months basis. If I buy a bill of goods the first of January, the man I buy from does not expect pay for them before the 15th of April. If I should go into his store and pay him the face of the invoice thirty days after the date of purchase, it would be a surprise to him. Very few men want to surprise people they buy from even if they have the money, consequently they take advantage of the system of quarterly accounts. But what was the result when Mr. Damon introduced the prevailing methods of settlements into the Finance office; there was a great hue and cry against his administration, and yet those same men will sell a merchant goods on three months time and not complain if the bill is not paid until two months after it is due."

"And you believe that increased taxation is the panacea for all the ills which the Government is suffering from?"

"All the ills? I fail to see what ills exist other than an increased expense and no increase in the revenue. If the tax levy in Santa Clara county can fluctuate as statistics show that it has, there is no reason in my mind that it should not here. Just now the expenses to be met here are large and they have been made so by revolutions and disease, to meet them let the tax rate be increased and when the affairs are thoroughly and permanently settled it may be reduced. You may rest assured of one thing, directly the money is in the treasury, Minister Damon will pay it out. I am satisfied, and every reasonable man should be, that the methods he has adopted for assisting the Government when the taxes are not coming in were what the conditions required not what he wished."

If this man's opinion should be shared by the legislators at the next session of the Legislature it is probable the tax will be raised.

Probable Changes in Laws.

It is rumored that an official of the Government is drafting a bill which will materially change the passport regulations of the Islands as well as the credit system in vogue here. As matters now stand a man can go into debt to whatever extent a merchant sees fit to allow him, but if, through lack of funds, he is unable to settle his indebtedness and wants to leave the country his passport can be stopped upon notification to the customs authorities.

Under the new law if a man can show beyond question that he has no money to pay his bills, and can prove that he has only enough to take him out of the country and he is desirous of so doing he will be allowed to depart.

Some years ago an attempt was made to do away with the credit system, but the attempt failed. If the plan mentioned above should really become a law it is probable the system will be materially changed.

The Yatman Services.

There were five full services preached by Mr. Yatman yesterday. The first at the Portuguese Church, the second at Central Union and the balance at Association Hall. These last were particularly successful, both from a religious as well as a financial point of view. At the woman's meeting Mr. Yatman raised \$734.75, and at the men's meeting, a little later, \$1,414.75, making a total of \$2,149.50 toward paying off the debt incurred by the association in building the addition to their hall.

NO. 3 CALIFORNIA STREET,
SAN FRANCISCO.

WINE AND DINED

Were United States Minister and
Officers of the Bennington.

GRAND RECEPTION BY AMERICANS

Hilo Does Its Utmost for Its Visitors.
Pleasant Meeting of Social Club.
Telephone Connections Nearing
Completion—Social Kohala People.

HILO (Hawaii), Nov. 13.—It is really to be regretted that Hilo visitors did not remain in town another day just to see what charming weather there is here at times. During almost the entire stay of the U. S. S. Bennington in port the heavens wept copiously, and it is feared the honored guests did not greatly enjoy their stay in Hilo. Minister Willis and family remained on board nearly three days, when they came ashore in company with Captain Pigman and started for the volcano. They met with fair weather throughout the journey and were delighted with the beauty of the road and its pretty homesteads. They returned to Hilo on Thursday as the guests of Mr. and Mrs. G. K. Wilder.

On Saturday United States Minister and Mrs. Willis, Charles Furness, U. S. Consul, and Captain Pigman of the U. S. S. Bennington were entertained at dinner at the home of Mr. and Mrs. A. B. Loebeinstein. At 2 o'clock the entire party went aboard the gunboat to be in attendance at the reception given by the captain and officers of the Bennington. Although the day was anything but auspicious in the forenoon, it cleared up in the afternoon, so that some forty or fifty fair women and brave men joined in the reception and dance given on board. The vessel was made very attractive by the bright green and varicolored foliage everywhere wrought into pretty and graceful decorations. Handsome palms set off with grace the several nooks and corners they occupied, and the stars and stripes were appropriately draped on the sides of the vessel. During the afternoon a most tempting feast was set before the guests. Music for the dance was furnished by an orchestra of native boys.

A most complimentary reception was tendered to United States Minister and Mrs. Willis, Captain Pigman and the officers of the U. S. S. Bennington on Monday evening by the Americans of Hilo. It was one of the most charming social affairs and was, perhaps, the most largely attended gathering held since the reception tendered to President and Mrs. Dole last year. After the reception, which lasted from 8 o'clock until half-past 9, dancing began. Between 11 and 12 o'clock a most elaborate supper was served. Spreckels' hall was converted into a perfect bower of beauty for the occasion. Striped bunting formed a border around the walls just below the ceiling and red, white and blue bunting formed graceful festoons from the corners to the central chandelier. Great clusters of ginger and bamboo adorned three of the corners of the room, while in the fourth corner a stand erected for the musicians, was most tastefully draped in flags and decorated with greens. Pictures appropriate for the occasion occupied prominent places on the walls and were temporarily framed in stars and stripes. Under one of these pictures, at the mauka end of the hall, comfortable seats were charmingly arranged among potted palms and ferns, and here the guests held their reception. Mrs. Willis looked handsome in a rich gown of black and white striped silk, trimmed with ribbons and elegant lace. The waist was of plain silk cut d'collete and trimmed with pink roses. Judge and Mrs. S. L. Austin and Mr. and Mrs. C. C. Kennedy assisted in receiving.

Owing to a most unfortunate accident, to which Mrs. Willis sprained her foot while descending into a boat from the Bennington on Saturday, she was obliged to be carried to and from the reception hall, and was unable to stand upon the injured member. At first it was thought that the sprain was quite serious, but as she improved rapidly, it is to be hoped she has entirely recovered by this time.

The parlors of the Foreign Church were thrown open to all on last Tuesday evening, and many availed themselves of an opportunity to spend an evening most pleasantly at the church social. Mrs. H. C. Austin sang a solo in her usual happy style and a quartet of ladies composed of Mrs. Baldwin, Mrs. Austin, Miss Richardson and Miss Austin rendered a vocal selection in the most artistic and charming manner. Miss Deyo read a selection to which all of her listeners gave the most warm attention, and Mr. Lougher gave a vocal solo that greatly pleased his hearers.

The bi-weekly meeting of the Hilo Social Club occurred at the home of Mr. and Mrs. E. E. Richards under the leadership of Mr. Schoen. Thirty-eight members and their friends were present and spent the evening most enjoyably. The following program was carried out to the enjoyment of all: Instrumental duet, Misses Grace and Nellie Potter; "Hilo Budget," Miss Deyo; vocal solo with guitar accompaniment, Miss Roy; recitation, Miss Mary Lyman; vocal duet, Mrs. Richards and Mr. Lougher. Then followed a performance in sleight of hand tricks and other feats of the Great "Hermes the Wizard," impersonated by Dr. Hutchinson who entertained and amused all for some minutes. After light refreshments all were furnished with pencils and cards on which they were to collect the autographs of as many as they could get within fifteen minutes. Considerable fun was gotten out of this. Mr. Campbell succeeded in getting the prize.

Dr. Cooper and C. Wilder of Honolulu made a trip to the Volcano House, Kapaemahu and Naalehu last week. Mrs. Townsend and child and Hon. D. H. Hitchcock leave for Maui on this Kinau.

D. H. Hitchcock, Jr., goes to Honolulu. Miss Nellie Trowbridge of Oahu, who has been visiting Miss Harriet Austin for the past three weeks, returns to her home tomorrow.

Dr. Francis Wetmore returned to Hilo Sunday after an absence of several weeks in Kohala, where she was called to attend Dr. Bond and continue his practice during his illness.

A party of twelve, residents of Hamakua and Hilo districts, leave for Paukua on Mauna Kea this week, to be gone for two or three weeks on a camping expedition. Direct telephone communication is now had between Hamakua and Kona. Conversation between Kona and Hilo is as distinctly heard as though the offices were a block apart.

Mrs. Carrie Robinson and Miss Lizzie Roy leave for Honolulu tomorrow morning.

The new drug store will be ready for business in a few days.

No vessels in the harbor this week.

THEY LIKE THE CHANGE.

Kohala People Compliment Steam-
er Service—Social Notes.

KOHALA (Hawaii), Nov. 13.—Now that the Kinau has again resumed her regular trips there is little to disturb the quiet routine of provincial life. The change in time of the Kinau's departure from Honolulu to an earlier hour is a very welcome change to people here. The mails arrive earlier in the day, and passengers for Kohala find the change in time of arrival a great convenience.

On Wednesday the Kilauea Hou brought a local mail in time to be answered by the outgoing Kinau this week.

The schooner J. G. North, in from San Francisco with a considerable cargo of general merchandise and plantation supplies, was discharged at Honolulu and departed on Friday last with upward of 200 tons of sugar, the last of the crop.

The Olga also arrived from San Francisco at Mahukona with a full cargo, nearly 1000 tons of general merchandise and machinery, said to be the largest cargo ever brought to Mahukona. She is still in process of unloading.

Until the last few days the weather has for two or three months been exceptionally warm. Though the rain fall has been moderate of late, the crops still look well. Everything points to a larger output of sugar than last season.

Election notices have been posted for an election for Senator in place of Mr. Nottley of Hamakua, resigned. A candidate from either Hamakua or Kona would probably be most agreeable to the majority of voters here.

The Literary Society held its latest session at the residence of J. Hind. It was a specially enjoyable evening. Byron's poems formed the subject for papers and the material for songs and readings. Mrs. Hind read a paper on Byron's life and work; J. Barnett discussed The Child Harold's Pilgrimage; Mrs. G. E. Benton, Miss S. Ostrom and Miss C. Bond read selections from Byron's works, and Miss A. Wright and Mrs. J. Hind sang. It was by common consent the most enjoyable evening for some time. Mrs. B. D. Bond was unanimously elected president of the society for the ensuing year.

There have been a good many social gatherings of late. One of the most interesting of these was a Halloween masquerade party given at the parsonage by Mrs. Carter and Miss S. Ostrom. Some of the old games and customs peculiar to this festival of merry-making were indulged in.

Preparations for a play to be given before the public some time in November have been going forward. It is understood that another public entertainment, under the auspices of the literary circle will be given in December.

All the mills are busy with preparations for the coming crop, and quite a number of mechanics from Honolulu are at work in the district.

LATE NEWS OF MAUI.

Jury Decides That the Kula Road
Shall Be Closed.

Sports of the 16th Postponed—Port-
uguese Buying Land—Literary
Society Doctor an Organ.

MAUI, Nov. 16.—Today, Kalakaua's birthday, was to have been marked by some sports at Kahului, but owing to the bad condition of the grounds it is doubtful whether any running or ball playing will take place.

During Thursday a mean south wind blew all day and during yesterday a fierce kona storm enveloped the greater part of Maui. It turned into what the natives call a "holua," for at noon the south wind described a semi-circle and blew directly from the cold north and the rain came in thicker than ever. Today it is cold, damp, and a continuance of the storm is imminent.

During Friday, the 15th last, a road jury composed of Messrs. H. B. Bailey, A. Crook, G. Heikunui, Frank Correa and the others accompanied by Sheriff Andrews surveyed the old Kula road from Kapaemahu to the bottom of Waieli gulch and decided to close it in accordance with the petition presented to the Minister of Interior by W. F. Pogue and others.

The Walluku Fruit and Taro Company have been supplying the settlement at Molokai with paid for two weeks past. It is stated that an effort will soon be made to place the company on a firm financial basis.

Portuguese farms are numerous throughout Makawao district. Purchases have been recently made by some of them in Pauwela, Hamakua and Kula. They have paid from \$40 to \$60 per acre for small lots. Mr. and Mrs. J. W. Colville of Pala are expected from Scotland on the 20th inst.

Circuit Judge Kalua recently appointed Charles Copp and Mrs. S. E.

Kalama executors of the estate of the late John Kalama who died intestate. At the next meeting of the Makawao Literary Society a sale of fancy articles fashioned by the fair hands of the ladies will be one of the attractions. The financial returns will be devoted to the payment of expenses to be incurred in repairing the church organ, which is now in a decidedly wheezy condition. The meeting is booked to take place on the evening of the 29th inst., at the residence of H. P. Baldwin, Haku.

Miss Ethel Messman, of the Kahului School, departs today for a trip to Oakland. She expects to return in January.

The calendar for the Labaina jury term numbers but fourteen cases up to date and promises not to be as large as usual, even when complete. A manslaughter case—that of Iwien, the Walluku policeman who shot a Chinaman at Spreckelsville, is the most prominent.

The Makawao Book Club sent away for its books by this week's mail.

The harbor of Kahului is clear of shipping.

Weather—The thermometer down in the sixties.

OLD KAWAIAHAO CHURCH.

Renovated at an Immense Cost—Is
Now Like New.

Services There Yesterday Very In-
teresting—Handsome Decorations.
Prominent Persons Present.

The work of securing funds for the renewal of old Kawaiaha'o has by no means been an easy one, but in every respect has it been successful. For months there has been one common goal toward which the unselfish workers of Kawaiaha'o have striven—the reconstruction of the church that was fast crumbling away from the effects of age and ants. Cheerless though the task seemed at times they plodded on, turned aside by none of the disappointments which beset and all but crushed them. By steady steps has been their climb until their efforts have been crowned with success that was hardly dreamed of at first. The church as it stands today will ever remain as a symbol of energy and love on the part of Kawaiaha'o workers.

Sunday morning was set for the opening service of Kawaiaha'o renewed. It seemed as if the inclemency of the weather would prevent all but few people from attending, but when the time for service began nearly every pew was taken. Among those present were a liberal representation of foreigners, young ladies from Kawaiaha'o Seminary and Kamehameha school and boys from Kamehameha and the Reform schools.

The platform was beautifully decorated with flowers, yellow chrysanthemums prevailing, ferns, palms and other plants. Noticeable among this array was a vase of pink, white and yellow roses brought from Hilo. Seated on the platform with Rev. H. H. Parker were Rev. O. P. Emerson, Hon. P. C. Jones, Rev. Waiaman of Kamahele, Rev. Stephen Desha of Hilo, Mr. Edward Bailey of Wailuku, Rev. C. M. Hyde and Rev. Kapu of Wailuku.

After an anthem by the choir, which was made up of over forty singers, Rev. C. M. Hyde led in prayer. After another anthem Rev. O. P. Emerson read a passage of scripture.

The treasurer of Kawaiaha'o, Hon. P. C. Jones, read the report of receipts and expenditures in the rebuilding of the church as follows: Total collections for account church repairs, \$11,673 65; total cash, repairs of church, \$11,419 94; leaving a balance of \$253 75 after paying all bills. Electric light collections, \$675 15; electric light expenses, \$400; leaving a balance of \$275 15, which, added to the building fund balance of \$253 75, makes a total of \$528 90; \$275 51 was paid for lanai material. There remains a balance in hand of \$253 39.


Miss R. Nolte sang a beautiful solo, after which Mr. Edward Bailey, who was among the first missionaries to arrive in the islands, gave some reminiscences of his life and work among the natives. He referred in a most touching manner to those good souls with whom he was associated, now in the abode of angels.

Three children were baptized by Rev. Desha. Rev. Kapu offered a prayer of thanksgiving.

Rev. Hiram Bingham was called to the platform and gave some recollections of Kawaiaha'o and work among the natives. The church was in good condition at present, but there were many natives absent who should be brought there to worship. This was the work of members of the congregation.

Rev. Stephen Desha preached a short sermon in which some points of wholesome advice were given out for the benefit of all. The benediction was pronounced by Rev. Hiram Bingham.

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We have been tailoring at moderate prices.
Twenty years of experience to profit by.
Our KNOWLEDGE of CLOTHES for STYLE, FIT, and WORKMANSHIP, have stood the test as the liberal patronage we have received assures us of that fact.
We have just received our fall stock of woolsens, which we are offering at prices that will astonish you.

H. S. TREGLOAN & SON.

JUST RECEIVED,

MANILA CIGARS,

A Large Invoice,

FROM THE

MOST RELIABLE FACTORIES.

Hollister & Co.,

TOBACCONISTS.

H. Hackfeld & Co.

Are just in receipt of Large Importations by
their iron barks "Paul Isenberg" and
"J. C. Pfleger" from Europe and
by a number of vessels from
America consisting of a

Large and Complete Assortment

OF

DRY GOODS

SUCH AS

Prints, Gingham, Cottons, Sheetings,
Denims, Tickings, Regatta Drills,
Mosquito Netting, Curtains, Lawns.

A Fine Selection of

DRESS GOODS, ZEPHYRS, ETC.,

In the Latest Styles.

A Splendid Line of Flannels, Black
and Colored Merinos and Cash-
meres, Satins, Velvets, Plushes,
Capes, Etc.

TAILORS' GOODS.

A Full Assortment.

Silks, Sleeve Linings, Stiff Linen,
Italian Cloth, Moleskins, Meltons,
Serge, Kamsgarns, etc.

Clothing, Underwear, Shawls,

Blankets, Quilts, Towels, Table Covers,
Napkins, Handkerchiefs, Gloves,
Hosiery, Hats, Umbrellas,
Rugs and Carpets,
Ribbons, Laces and Embroidery,
Cutlery, Perfumery, Soaps, etc.

A Large Variety of Saddles,

Vienna and Iron Garden Furniture, Re-
stein & Seiler Pianos, Iron Bedsteads,
etc., etc.

American and European Groceries,
Liquors, Beers and Mineral Waters,
Oils and Paints, Caustic Soda,
Sugar, Rice and Cabbages,
Sail Twine and Wrapping Twine,
Wrapping Paper, Burlaps.

Filter-press Cloth,
Roofing Slates, Square and Arch Firebricks,
Lubricating Grease, Sheet Zinc, Sheet
Lead, Plain Galvanized Iron, best and
3 best; Galvanized Corrugated Iron,
Steel Rails, 18 and 20; Railroad Bolts,
Spikes and Fishplates, Railroad Steel
Sleepers, Market Baskets, Demijohns
and Corks.

ALSO

HAWAIIAN SUGAR AND RICE,

Golden Gate, Diamond, Sperry's, Mar-
chant's and El Dorado Flour,
Salmon, Corned Beef, etc.

For sale on the most liberal terms and at the
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H. HACKFELD & CO.

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FINE HORSES AND CATTLE

From the Thoroughbred

Standard-bred Stallion Nutwood, by
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Also a Choice Lot of

BULLS, COWS AND CALVES

From the Celebrated Bulls

Sussex, Hereford, Ayrshire & Durham.

A Lot of

Fine Saddle and Carriage Horses

FOR SALE.

2 Pure-Bred Hereford Bulls For Sale.

Tourists and Excursion Parties desiring
Single, Double or Four-in-Hand Teams or
Saddle Horses can be accommodated at W.
H. Rice's Livery Stables.

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AT GAZETTE OFFICE.

Hawaiian Gazette.

SEMI-WEEKLY.

ISSUED TUESDAYS AND FRIDAYS

W. R. FARRINGTON, EDITOR.

TUESDAY, - - NOVEMBER 19, 1895.

The woman's suffrage advocates of Massachusetts have not a little missionary work before them, if the result of the balloting on granting them municipal suffrage may be taken as a criterion. The measure was defeated by a vote of 75,000, but the worst reflection on the ardor of the women is the fact that of the women registered only 37 per cent. appeared at the polls. The gallantry of the men counts for considerable, but when the women are not sufficiently enthusiastic to speak for themselves they can hardly expect to gain much headway.

United States Consul S. P. Read, of Tien Tsin, China, reports to his government that Russell & Co., the last of the great representatives of American commercial houses in China, closed in 1891 and since that time the French, German and British firms are taking all the business. The fact above stated is a thing commented on the foreign policy of the United States. After fifty years of great commercial activity and increase of manufacturing industries, the merchants of America haul down the flag in China and surrender to the Europeans.

SENATOR MORGAN tells the people of his country that discussion of the Hawaiian question is to be one of the prominent features of the next Congress, and yet there are those enthusiastic enemies of the present regime in this country who hold that so far as the United States is concerned the Hawaiian Islands are buried in the forgotten past. We are willing to await the verdict which time alone can make good, yet it is safe to predict that there will be numerous deaths among the members of Congress before the affairs of this country will be pigeon-holed by the national legislative body.

MEMBERS of the Cabinet in Washington assert that President Cleveland's message to the Congress which assembled in December will contain a clear outline of the Government policy in the Venezuelan affair, and also define a general foreign policy in vigorous and true American style. It is further stated that the President will take advantage of the opportunity to refute the rumors of discord between the Secretary of State and himself. It will undoubtedly be a welcome tid bit for many American politicians to have it proven beyond the question of a doubt that the present Cabinet is enjoying a general love-feast over the administration of foreign affairs.

THE Philadelphia Press in reviewing the reports of the Labor Commission of this country says: "For years it has been plain to every one knowing the real condition of the islands that its future inevitably hinged on the character and nationality of its labor. Nothing can save a country from a despotic government under some form if it comes to be inhabited by coolie labor, managed by a few white men using foreign capital. Nothing is more important, if free institutions are to be preserved and the Hawaiian Islands kept fit for annexation, than an industrial organization on a different basis." After reviewing many of the facts and figures given concerning the sugar industry and the prospects before the coffee planters, the Press says of the development of small farming industry: "If this judicious suggestion is followed, and the Republic can attract white immigrants and create a population of white coffee farmers the Hawaiian problem is solved. The islands will be in every sense a worthy American outpost in the Pacific and no cautious objection to annexation can be made."

TO SHUT OUT OLD MEN.

Sharp competition in the liberal professions in England is bringing the cry "the old men must go" into prominence of late, and many of the leading journals are advocating the application of the age limit, in vogue in the army, to the professions as well. A medical journal suggests that successful physicians retire from practice at the age of sixty-five, and a prominent religious journal comes forward with the statement that the pressure on the church might well be relieved by the application of the army and navy age limit, in order to make room for the rising generation. The colleges of Oxford are preparing statutes putting on an end to life tenures and establishing age limits with compulsory retirement for heads of houses, professors and tutors. Exeter College has led the way and its new statutes have been placed before Parliament. The general theory on which the plan is being carried out is to the effect that man's period of usefulness ends at sixty-five, and he should at that time be placed carefully, but no less surely, on the shelf.

The theory appears very plausible to the rising and ambitious young men, but the assumption that mind and body become unfit for active work as man approaches the three-score-and-ten life limit has not always been borne out by past experience. It tends also to concentrate a man's life work in about twenty years of his life and will not be found as acceptable when the young men of today begin to near the fatal dead line marked in their profession. The increased demands of modern science have put off the time at which a man may be said to have started in his work. More extensive preparation is required than in days gone by, and it is not unusual that a man reaches thirty before he has made his start in life. Thus it is that under the new ruling the professional man must not only make enough to keep body and soul together during the days of his activity, but he must also lay by enough to keep himself after his professional death. It is practically condemning a man because he is so unfortunate as to have gray hairs and years of experience. When one considers the life-work of such men as Gladstone, Bismarck, Leo XIII., Bancroft, the historian, Oliver Wendell Holmes, and any number of prominent men of recent years, he is inclined to make light of this new departure. It was Rehoboth's departure from the councils of the old men of his tribe that led to his downfall, and time and again his fate has been repeated among the young men of late history. The lives of prominent men in science, politics, literature, law and the Gospel have established the fact that with ordinary health man's mind, when active, will keep unimpaired as long as the body lasts. Gladstone is said to assert that as man's body grows weaker his mind becomes stronger.

Notwithstanding the swinging of the pendulum toward the young men, it is highly probable that the veterans will continue to hold their place in the front ranks. The agitation is interesting, however, as an exhibition of the spread of socialistic tendencies among the educated to the point of interfering with the individual and his right to work.

UNITED STATES ELECTIONS.

Election returns from the United States do not give one hopeful ray to the present ruling powers of the Democracy, except it is in the lesson that may be gained from an overwhelming defeat. The Republican vote not only held up the majorities of 1894, but rolled up unprecedented figures in sections that have been for years classed as sound Democratic strongholds. The prediction of a return to the Democratic party consequent to the return of prosperity did not materialize and the Democratic leaders find the condemnation of the people

quite as much in evidence as when the tide first began to turn against them. Expressions of the press and public men indicate what might be expected, that the Democracy is divided against itself on national issues. President Cleveland is said to look upon the defeat as the result of the action of the Brice-Gorman wing of the party, while the latter point to the erratic policy of the President as the cause of all their woes. Senator Gorman sums up the situation in the terse remark, "The tide was against us." The election of Republican legislatures in Ohio and New York assure the turning down of Senators Brice and Hill, two of the most unprincipled politicians that grace the United States Senate of today.

The elections, as a whole, indicate that the day has gone by when the voters of the United States will stand by their party for the party's sake, and, in that respect, victorious Republicans as well as defeated Democrats are taught a salutary lesson. How many party overturns will be required to drum this idea into the heads of the politicians remains to be seen, but the history of the past few years in American politics makes it clear that the people of the States will give those men their support who carry out as well as advocate a business-like administration of domestic and foreign affairs.

Tammany's victory in New York City may give a temporary setback to the reform movement, yet it cannot be regarded as portending a complete reversion to the political corruption of former years. The scale was practically turned on the point of "Sunday beer," and suggests to the reformer that he must be less radical in his methods. It is not improbable that the Republican Legislature will heed the warning and reform the laws.

If the railway and dock franchises granted to private individuals by the State of New York during the last sixty years had been operated wisely, on behalf of the State itself, their value would, at present, amount to nearly \$200,000,000, and the present income from them would almost avoid the necessity of enforcing any taxation. Why, then, did not our "intelligent" people retain and work these valuable franchises? Simply because an "intelligent" community is wise on very narrow lines. Its opinions are made up of a thousand conflicting views, and its action is loose jointed, until it gets excited, and then it acts like a bull in a china shop. A small body of determined men, well organized, can fleece the State out of valuable franchises just as two or three determined men hold up a railway train, rob the expressman's safe and make a hundred passengers hold up their hands. The Pacific States, in conjunction with the Federal Government, could have built the continental railway lines in 1865 and maintained ownership, but a handful of men "held up" both State and Federal hands and pocketed the business profits of the entire coast.

THE Russian war scare has faded into thin air, for the present at least, although newspaper correspondents continue to assert the truth of a secret treaty having been entered into with China which practically gives Russia a strong hold on Oriental affairs. It is stated that Russian warships have arrived at Port Arthur, but to all appearances the British editors have decided to allow Russia's warships to leave home once in a while without considering the maneuver an overt act.

THE opening of the Kawaiaha church and the efforts of Mr. Yatman in gaining funds to raise the debt on the Y. M. C. A. made Sunday an eventful day in the religious circles of Honolulu. The religious awakening in this city, though somewhat slow in getting started, has been none the less positive in its moral as well as financial phases.

Daily Advertiser 75 cents a month. Delivered by carrier.

FICKLENESS OF PUBLIC OPINION.

Some of the journals of the United States have been indulging in a discussion on the fickleness of public opinion and the tendency to let important issues drop out of mind when there appears to be no immediate cause for decisive action. It is a line of thought which applies in nearly every country where public measures are more or less dependent on the demands of the people. In the United States, for instance, the inhabitants had come to feel that there was "something wrong" either in the financial or tariff system, and they were deeply interested in seeing to it that "something was done" to set the matter right. As soon as business begins to recover to its normal conditions, either from lack of desire or the feeling that the problem has been solved, the public displays an apathy that is far from encouraging.

"Here we have a revelation of a weakness and a vice in our public opinion," says the N. Y. Journal of Commerce. "The weakness lies in a lack of courage in the enforcement of high principles of public policy; the vice consists in setting convenience above right and truth. Our one object is to make money. We can find no time for strengthening our social structure, nor for abrogating effete laws, nor for adapting our institutions and methods to the progress of the times, nor for purging from our financial and industrial systems rottenness and dangers that imperil the national prosperity and safety. So long as 'trade is good' all is well and the most urgent reforms are left to the 'theorists' and enthusiasts, as something beneath the aspirations of men of business. When, now and then, there comes from the depths an explosion of the results of bad legislation, we catch a glimpse of the abnormal forces at work beneath the surface, and are seized with the most virtuous resolves to do some wholesale reconstruction; but the moment the startling phenomena disappear, we again cease to trouble ourselves about the things that beget catastrophe. The result of all this is an ignorant, weak and ineffective public opinion; and yet public opinion is supposed to be the governing power of the Republic."

Even in this little country there is a disposition to allow matters to take their course and hope for the best in the final outcome. "We have always landed on our feet, and we always will," is an easy way of dismissing matters that do not appear to require immediate attention, and, being easy, it is too often resorted to by men who in private business affairs are credited with looking well into the future.

For the Circuit Bench.

Judge Magoon is already growing restless on the bench. While he finds the duties as judge congenial he feels that his practice will suffer unless it has his personal attention, and as he accepted the office on condition that he should be relieved at the earliest possible moment he is anxious that his successor shall be appointed. A. W. Carter is mentioned as the most likely person to succeed Judge Magoon, but it is understood that Mr. Carter will not consider the matter until the return of W. O. Smith.

Awarded
Highest Honors—World's Fair,
Gold Medal—Midwinter Fair.

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PRICE'S
CREAM
BAKING
POWDER
MOST PERFECT MADE.

A pure Grape Cream of Tartar Powder. Free from Ammonia, Alum or any other adulterant. In all the great Hotels, the leading Clubs and the homes, Dr. Price's Cream Baking Powder holds its supremacy.

10 Years the Standard.

LEWIS & CO.,
Agents, Honolulu, H. I.

Death of Captain Cavarly.

John Mansfield Cavarly, one of the oldest commanders in the employ of the Pacific Mail Company, died at his home, 1815 Sutter street, last Tuesday night, says the San Francisco Call of October 29th. He was one of the most successful skippers that ever took a vessel out of San Francisco, and he stood high with the management.

On November 23, 1894, Captain Cavarly's resignation was presented to the directors of the Pacific Mail Company when they were in session in New York. After commenting on his thirty-one years of service the board said:

Resolved, That Captain Cavarly's example is one especially of emulation, for the reason that his success as a commander was due to his close attention to his duty, his questioning obedience of orders and his unswerving loyalty to the interests of the Pacific Mail Company.

A NOBLE FIGHT.

An Eminent Southern Lawyer's Long Conflict With Disease.

Twenty-five Years of Prosperity, Adversity and Suffering. The Great Victory Won by Science Over a Stubborn Disease.

(From the Atlanta, Ga., Constitution.)

Foremost among the best known lawyers and farmers of North Carolina, stands Col. Isaac A. Sugg, of Greenville. Mr. Sugg has resided in Greenville 32 years. While nearly everyone in Pitt Co. knows Mr. S.'s history, perhaps all do not know of his return to business again after an illness of 16 years. No man has gone through more than he, and lived. It was a case of the entire breaking down of his nervous system, attended by excruciating agonizing, unendurable pain. Opium and stimulants only quieted temporarily, and all treatment failed him. Only his love of family and friends prevented suicide. He told a reporter the following interesting story: "I kept at my work as long as I could but nature gave away at last and I succumbed to the inevitable. My entire nervous system had been shattered by the opium I had taken, my blood had actually turned to water, my weight had dropped from 175 pounds to 125, and it seemed to everybody that the end was in sight. Why I could not bear the gentle hands of my wife to bathe my limbs with tepid water, I was simply living from hour to hour. I had made my will, settled my business and waited for the last strand of life to snap. "It was at this time that a somewhat similar case as my own was brought to my notice. This man had suffered very much much as I had, his life had been dispirited as mine had, and yet he had been cured. Think what that little word meant to me! CURED. The report stated that the work had been accomplished by a medicine known as Dr. Williams' Pink Pills for Pale People. I investigated the report thoroughly and found it was true in detail. Then I procured some of Dr. Williams' Pink Pills and began taking them and began to get better. I began to sleep like a peaceful child, sound, calm and peaceful. My appetite came back and my nerves were soothed and restored to their normal condition and I felt like a new man. But the greatest blessing was the mental improvement. I began to read and digest, to formulate new plans, to take interest in my law practice, which began to come back to me as soon as my clients realized that I was again myself. After a lapse of 10 years I ride horseback every day without fatigue. "That Dr. Williams' Pink Pills saved my life is beyond doubt, and I am spreading their praise far and wide."

An impoverished condition of the blood, or a disordered condition of the nerves, is the fruitful source of most ills that afflict mankind, and to any thus affected Dr. Williams' Pink Pills offer a speedy and certain cure. No other remedy has ever met with such great and continuous success, which is one of the strongest proofs that Dr. Williams' Pink Pills accomplish all that is claimed for them. They are an excellent cure for locomotor ataxia, partial paralysis, St. Vitus' dance, sciatica, neuralgia, rheumatism, nervous headache, palpitation of the heart, nervous prostration, diseases depending upon vitiated blood such as scrofula, chronic erysipelas, etc. They are also a specific for troubles peculiar to females, curing all forms of weakness. In men they effect a radical cure in all cases arising from mental worry, overwork, or excesses of any nature. These pills are manufactured by the Dr. Williams' Medicine Co., Dr. J. C. Williams, 140 N. 3rd St., Boston, Mass., U.S.A. They are put up in round glass bottles, the wrapper covering which bears the full trade mark, "Dr. Williams' Pink Pills for Pale People." As there are imitations of this wonderful remedy, see that the above trade mark is on every package you purchase, and promptly refuse all imitations and substitutes.

Dr. Williams' Pink Pills are sold by The Holister Drug Co., Honolulu, wholesale agents, and all dealers in medicine.

NOTICE TO PLANTERS AND OTHERS.

The Honolulu Iron Works Company having renewed their connection with the NATIONAL TUBE WORKS COMPANY of New York and are constituted

SOLE AGENTS

FOR THE
Hawaiian Islands

For all the various lines of manufacture such as

Steam Pipe,

Artesian Well Tube and Casing,
The Converse Lock-Joint Water Pipe of all sizes,

GALVANIZED WATER PIPE

Steel, and Iron Boiler Tubes, Etc.,

TOGETHER WITH—
Valves, Cocks, and all Kinds of Steam, Water and Gas Fittings.

And will therefore carry a large stock of said Goods in Honolulu, to enable them to fill all ordinary orders on short notice and at

Prices Hither Unknown

IN THE HAWAIIAN ISLANDS.

HONOLULU IRON WORKS CO.

Timely Topics

THE AERMOTOR

-:- AND -:-

Steel Tower.



In as much as most of our remarks have been confined to the pumping Aermotor we wish to call your attention this week to the geared motor for barns. Undoubtedly sometime in the past you have concluded to equip your mill with shafting for grinding of corn and feed for your stock, and perhaps attach a grind stone and buzz saw, and sent away for a catalogue for estimated cost and the location of your building for horizontal and vertical shafting, but finally came to the conclusion that the cost and difficulties of constructing were too great to warrant the expenditure. Now here is where the Aermotor does away with all those great obstacles and petty annoyances. In our plan you have only to secure the vertical 8x8 mast in position, put the Aermotor on one end and the grinder on the other. The mast then holds it all. You can belt to different machines and drive your pump and feed grinder at one time. The feed grinder is always in position. You have only to turn a hand screw to adjust the lower grinding ring sufficiently close and it is already for use, or in an instant you can put on a belt to run any other machine. The saving of power effected by having all bearings rigidly connected in one casting and therefore in proper place, is no less important than the matter of convenience allowed too. The Aermotor runs in half the wind required by other mills, and regulates in a strong wind as well as in a mild wind. It handles the pump the smoothest of any mill made. An eight inch stroke Aermotor will throw more water with less wind than any of the old style mills. If you are in need of a mill buy an Aermotor and your neighbors will congratulate you on your foresight.

THE . . .

Hawaiian Hardware

COMPANY, L'D.,

Opposite Spreckels' Bank,

307 FORT STREET.

LOCAL BREVITIES.

Battalion drill on Union Square this evening.

The Honolulu Iron Works have a new advertisement in this issue.

Minister Willis made an official call on Minister Cooper yesterday and received the usual salute on retiring.

The caterpillars are ravaging the young cane and pastures in Kaneohe. Some of the paddocks are as free from grass as Fort Street.

Chas. Brewer & Co. call attention to the probable departure of the new bark, the Iolani, from New York about January 1, next.

It is rumored that there are three political factions in Hilo. Between them they will endeavor to pick out the next candidate for the presidency.

The will of Poomaikalani was admitted to probate yesterday and letters testamentary ordered to issue to Kapiolani under a \$10,000 bond.

William Grant Wait, of North Kona, was granted letters of denization yesterday. Mr. Wait is connected with the Kona Coffee and Tea Company.

John Wise and John Lilikoe, two of the political prisoners who were taken to Hilo to work, returned by the Kinau yesterday in charge of a native police officer.

Secretary Hastings of the Hawaiian Legation at Washington has ordered twelve pounds of African Kola seed for Commissioner of Agriculture Marsden.

A. P. Everett, at one time a prominent merchant here, and father of Edward, Louis and Charles Everett of this city died in San Francisco October 28th.

In Lihue (Kauai), last week, an afternoon tea was given by Dr. and Mrs. Wolters to Mrs. Hendry, of this city. A dance was also given in honor of Mrs. Hendry at Kealia.

Mrs. E. S. Goodhue arrived by the Australia and is a guest at Dr. A. J. Derby's. Mrs. Goodhue will return to her home at Koloa, Kauai, on the Mikahala Tuesday.

Wirth's circus, now playing in Samoa, will probably stop here en route to the States. Among the artists with the company is Eloise St. Leon, Muriel Wirth and Ida Vernon.

On her next trip the Kinau will leave Hilo Monday, November 23d, arriving in Honolulu the following Monday. This is done to accommodate the planters who will have a special meeting on the day of the Kinau's arrival in Honolulu.

At the last meeting of the Chinese-English Debating Society the subject of opium was not discussed. A business meeting was held instead. The rain kept away quite a number of the regular attending members. The opium subject will be discussed Friday night.

Mrs. Professor Maxwell, with two children and nurse, arrived Saturday, she having come from the home of her father, Professor Webber, at Northampton, Mass. Professor Maxwell took his family up to the cottage on Pensacola street, which he has only so far gotten into order that they can go in. It will be several weeks before they will be able to feel themselves settled.

Chinese Laborers Arrested.

The twenty-six Chinese laborers from the Coptic who refused to go to the plantations were arrested yesterday afternoon and taken to the station house by order of the Minister of Foreign Affairs. The charge against these men is the violation of section 1 of chapter 80 of the laws of 1892, which provides that Chinese entering the country must confine themselves to agricultural pursuits. Their refusal to sign contracts is based on the supposition that they will sooner or later be allowed to land in Honolulu, and take up any line of work that suit their fancy. They have evidently been influenced by three malcontents, and after being separated from them for a short time about twenty of the laborers signified their willingness to go to the plantation.

The Commercial Journal.

The Commercial Journal and Maritime Report will be out this morning in time for the island mails and will be on sale at the book stores about noon. It will contain interesting reports on the sugar and rice markets, the editor's views on the labor question and other matters of interest to the business community. Merchants might make it a point to send copies of The Commercial Journal to their correspondents abroad.

BLACKBURN AND YOUNG

The Senator and the Lieutenant Fight.

HOT DISCUSSION OVER CARLISLE.

Blackburn Talks Loud and Young Responds—The Naval Officer from the Whiskey District Champions Carlisle and Punctures Blackburn's Nose.

WASHINGTON, Oct. 30.—When Senator Blackburn was last in Washington he created considerable comment by declaring Secretary Carlisle would not again take the stump in Kentucky, for good and sufficient reasons. Although this seemed to need explanation, none was forthcoming. Now, however, the story is out.

Senator Blackburn was with a group of gentlemen at Chamberlain's and was berating Secretary Carlisle in his usual impetuous way. One of the gentlemen present was Lieutenant Lucien Young, a junior naval officer, himself of Kentucky birth. Lieutenant Young took offense at Senator Blackburn's remarks and retorted in defense of Secretary Carlisle. Senator Blackburn then made a remark about somebody getting his face slapped unless he was careful.

Lieutenant Young does not know what fear is. He has a gold-hilted sword and an engrossed vote of thanks from the Kentucky Legislature for bravery as a midshipman in rescuing several persons from the Huron when she was wrecked off Cape Hatteras. He promptly told Senator Blackburn that he was very close to having his own face slapped right there and then.

"I will kill any man who attempts to slap my face," replied Blackburn angrily.

Then Lieutenant Young, without further words, let out his right and hit the senator a blow on the nose, which brought blood. Before Blackburn could recover the disputants were seized by the onlookers and rushed off in different directions. The question of a challenge has been thoroughly discussed in the Kentucky colony. Colonel Dick Wintersmith of Kentucky, Colonel Sam Donaldson of Tennessee and Colonel Philip Thompson of Kentucky have finally decided that Senator Blackburn will not be justified in shooting Lieutenant Young on sight, as the latter did not slap Senator Blackburn's face with his open hand, but did punch him in the nose with his clenched fist, the former being a blow not intended to do physical injury, while the latter blow was calculated merely to injure physical feelings, but not the sensibilities.

On the question of a challenge it was agreed that, were Lieutenant Young in private life or holding public office by election, or were the code duello recognized in the naval service, as it should be, Senator Blackburn would be justified in sending his friend to see Lieutenant Young's friend. But as Lieutenant Young might be in danger of court-martial for fighting a duel, and inasmuch as Senator Blackburn is called upon occasionally to legislate concerning the navy, the jury decided by a majority of one that it would be indelicate and ungentlemanly for Senator Blackburn to send a challenge.

On this point the minority of the bench, sustained by Colonel Carter, of Virginia, a most eminent authority, filed a dissenting opinion. It was urged that there was nothing which would stand in the way of a duel; that Senator Blackburn was bound to challenge and Lieutenant Young to accept. Lieutenant Young, it was contended, should have considered the consequences of his blow before he delivered it, and it would be a subtle-fuge unworthy of a Kentucky gentleman to allow his position in the navy to stand in the way of the honorable settlement possible.

Moreover, in case it should be the Senator who was killed, he could not legislate against the Lieutenant, and in case the Lieutenant should be killed he could not be legislated against.

THE OLYMPIA'S TROUBLE.

Too Many Landsmen—The Mail All Destroyed.

A private letter has been received from the Olympia, written by one of the crew, says the San Francisco Examiner. The letter is dated October 15th and says the vessel was then lying at Lahaina. Eight days were consumed on the trip to the islands, says the writer, and 700 tons of coal were used. Twenty deckhands were required to act as coal passers, and the temperature in the boiler room was never less than 120 degrees.

From Honolulu the warship was sent to Lahaina. When letters and other mail reached the vessel, although they had been fumigated at Honolulu, the ship's surgeon would not allow them to be delivered until he had again fumigated them. The mail was put into a baking-pan and shoved into the oven.

"When they were taken out," says the writer, "not a sign was there of letters or papers or germs. The Doctor had burned the whole business. All the money which was brought on board was boiled by order of the Doctor, and we were not allowed to catch any fish at Lahaina for fear that they might once have been in Honolulu waters. We were not allowed to use any salt water while the Beuningen was near us, although she lay two and a half miles to leeward. We had to go in our bare feet, too, for fear that we would get the germs in our socks. We are putting in 1500 tons of coal, as Captain Reid does not know what quantity we may need before reaching the Japanese coast."

Another letter from the Olympia at Honolulu, dated October 21st, reads as follows:

"No money since leaving San Francisco. On account of cholera no fresh provisions from shore allowed on board, and as we could not get enough to eat all hands refused duty and refused to coal ship. Everything was settled by noon. Have now got all we can eat and are now taking on sea stores. Three men were placed in the brig for general court martial. The crew would not coal ship before the three men were released and restored to duty. The petty officers were called and after consultation with the crew were sent forward to ask for a release of the three men. The request was granted and everybody turned to and coaled ship."

"The trouble with the Olympia's men," said Al White, "is too many of them are landsmen. Captain Smith and Lieutenant Sturdy, the executive officers, could not afford to permit the men ashore while the cholera was raging in Honolulu, and the majority of the men think that they have been badly treated because strict discipline was enforced. The stories of mutiny on board are rather thin. There might have been a case or two of insubordination, but that was the extent of the trouble."

SOCIAL GATHERING AT EWA.

Manager and Mrs. Lowrie Made Welcome Home.

Manager Lowrie of Ewa plantation and Mrs. Lowrie were given a very pleasant welcome home last Saturday night. They were met at the train in Ewa depot by a delegation of the chief men of the plantation.

The sugar room of the mill was decorated with Japanese lanterns and otherwise prettily arranged for the occasion, which was a reception of welcome to Mr. and Mrs. Lowrie. On the outside of the hall were the words "Welcome Home." Upon Mr. and Mrs. Lowrie entering the hall, the Kawaihau Club played "Home Sweet Home." A delightful evening was spent during which the central couple of the gathering detailed to their friends the incidents of their trip to the States. Over sixty people were present to give welcome to the manager and his wife.

The Kawaihau Club remained over night at Ewa and played at the home of the chief engineer Sunday afternoon. Refreshments were served. The club desires to thank Mr. Voss for his kind treatment of them while at Ewa.

COURT NEWS.

The writ of execution issued upon the property of J. A. Cummins was settled yesterday by the payment of the amount with costs.

In the matter of bankruptcy proceedings against Bernard Medeiros the Court yesterday issued an order of release.

Leave has been granted S. Ahmi to bring suit as next friend of Mong Wah and See Chin, minors, against Wong Kwai for an accounting as guardian of said minors.

Mrs. R. Laing was yesterday granted a divorce from her husband and his cross suit disallowed. The Court reserves judgment on the question of alimony.

The case of Beattie vs. Morgan was on trial before Judge Whiting yesterday.

The petition of Waianae (w) for letters of administration on estate of C. Kainohi, deceased, will be heard December 20th.

The Attorney-General has entered a nolle prosequi in the case of Sesaki, convicted in the District Court on the charge of vagrancy.

KILOHANA ART GALLERY.

Opening Next Friday—Arranging for the Ceremony.

Those interested in art and its progress in Honolulu will be very glad to know that the doors of the Kilohana Art League will be thrown open to the public next Friday morning. Ever since the last exhibition, members of the league have been at work on various pieces of art to be on show at the approaching exhibition, and, from whispers that have been rife among the art critics, it is certain that a great improvement over the former show has been made.

The committee on hanging pictures is at work now. With Wednesday, varnishing day, everything will be completed.

Thursday evening at 8 o'clock will be held the usual swell "First View" reception, when members of the league, together with specially invited friends, will be present to look upon the works of art.

On Friday the league rooms will be thrown open to the general public, continuing for several weeks. The hours arranged are from 9 a.m. to 5 p.m., and on Saturday evenings between 7 and 10 o'clock. A small admission fee will be charged.

Public documents from the Smithsonian Institute, Washington, were received at the Foreign Office yesterday.

A SUCCESSOR ARRIVES.

Father Damien's Brother Goes to Molokai.

A PROFESSOR AT LOUVAIN.

Age Nor Ill Health Can Deter Him. To Succeed Father Conrady—A Learned Man Responds to the Call of Duty—Other Missionaries.

Father Damien's brother is in San Francisco. Like the heroic apostle of the lepers, Father Pamphile is a priest, and, like him, he goes to Hawaii to labor among the outcasts of Molokai; perhaps, too, like him, devoted to death, says the S. F. Chronicle of November 5th.

Father Pamphile's coming was unannounced, and his departure by the steamer on Saturday will be equally unostentatious. He is not the ardor of youth, for he is a man close on to three score years. He enters upon his work humbly and submissively, in obedience to the voice of duty. Twice before the call came, but in neither instance would his health permit the journey. The third came, and, notwithstanding his age, he obeyed. Like Bishop Report, the Vicar General of Honolulu, and life-long friend and co-worker of Father Damien, the new missionary is a member of the order of the Sacred Heart. When, therefore, he was asked to take the burden of which death released his brother, Father Pamphile hesitated not. He laid aside his cherished books and left the famous college in which the best years of his life had been spent in study and teaching to go forth to the succor of the miserable denizens of Molokai.

The new apostle of the lepers is a Belgian, 58 years of age. He is small in stature, his hair is white, and his face is a combination of force and benevolence. In him the priest and the professor are happily blended. He cares not to speak of himself, and when asked of his mission, simply responded that he had been asked to undertake it, that it was his duty to obey, and that he goes with the desire of doing whatever good may lie in his power. The family name of Father Pamphile is Venster. He is a graduate of the University of Louvain, and has served there as professor of theology all of his life, except two years, during which time he occupied a similar position in the Seminary of Versailles. In addition to being a Hebrew, Greek and Latin scholar, he possesses a good conversational power of the English tongue, so that he will be able to devote himself to his work from the start. The Catholic lepers of Molokai, among whom he goes to labor, number about 200, and at present are cared for by Father Vanderlin Muller and Father Louis Conrady, as well as by a number of self-sacrificing sisters.

Father Pamphile will take the place of Father Conrady. He is one of a number of priests, brothers and sisters who are on their way from Europe to the Hawaiian islands, some to engage in educational work and others to care for the temporal and spiritual needs of the lepers. Their mission comes about in this way: Six months ago W. O. Smith, the President of the Honolulu Board of Health, requested Bishop Report to obtain additional members of his order, promising that the Government would pay the cost of their traveling expenses. He accordingly went to Europe, and is now on his way home with the party. In it are Father Pamphile and Brothers Dominique, Severin, Sylvain and Seraphin, who are all destined for leper service; Father Sylvester Steppens and the sub-deacon, Alois, who are to be stationed at Honolulu, and Sisters Alexandrine, Leocadia, Jeanne and Constantine. The majority are French, but among them are Belgians, Germans and Dutch.

While in Europe, Bishop Report, or the Bishop of Panopolis, as he is known in Honolulu, had an audience of twenty minutes with the Pope. He says that while Leo XIII's frame is fragile, he shows no signs of illness, and that his intelligence is keen and his memory as perfect as that of men many years his junior.

After the band concert at Emma Square last night several prominent society people of the city paid a visit to the Chinese theatre.

NOTICE

COFFEE PLANTERS.

Hulling and Cleaning Coffee.

We are prepared to handle COFFEE in the cherry and hull, with the latest improved machinery.

Send us your COFFEES, either direct or through your agents.

COFFEE taken from ship's side, hulled, cleaned and delivered to any designated warehouse in this city.

No charge for insurance and storage while COFFEES are in our mills.

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SHOPPING BY POST

It is a well-known fact that people's clothes wear out in the country as fast if not faster than in Honolulu. Now there is no need for making a trip to the Capital to renew your stock of wearing apparel.

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L. B. KERR, P. O. BOX 306, Honolulu, H. I.

BY AUTHORITY.

PROCLAMATION.

The past year has brought varied experiences to the Republic. With abundant crops and fair business prosperity, both foreign and domestic, have come the critical incidents of domestic disturbance and dangerous pestilence; from both of which the country has been mercifully delivered with small loss of life through the blessing of Providence on the efforts of the government and its citizens.

In view of these things and other countless benefits which have been vouchsafed to us, I, SANFORD B. DOLE, President of the Republic of Hawaii, recommend that THURSDAY, the 28th DAY OF THIS PRESENT MONTH, NOVEMBER, be set apart as a day of National Thanksgiving to Almighty God for the blessings of the past year and the promise of the future, and of prayer for the continuance of His favor.

(Signed) SANFORD B. DOLE.
By the President:
(Signed) J. A. KING,
Minister of the Interior.
4147 1706-11

The following persons have this day been appointed Agents to take acknowledgments of Labor Contracts for the following Districts:

Miss Harriet E. Wilder, Honolulu, Oahu.
J. H. Maby, Hilo, Hawaii.
James Mattoon, Hilo, Hawaii.
A. V. Carvalho, Hilo, Hawaii.
Harry T. Mills, S. Kona, Hawaii.
A. N. Kekoikai, Wailuku, Maui.
George Hons, Wailuku, Maui.

J. A. KING,
Minister of the Interior.
Interior Office, November 11th, 1895.
1707-31

The following named gentlemen have this day been appointed members of the Board of Fence Commissioners for the District of South Kona, Island of Hawaii.

R. WASSMANN,
J. TODD,
JOHN GASPER.
J. A. KING,
Minister of the Interior.
Interior Office, November 13th, 1895.
1707-31

AUCTION SALE OF AWA LICENSES.

There will be sold at Public Auction on TUESDAY, the 10th day of December, 1895, the following Awa Licenses for the term of one year from the 1st day of January, 1896:

OAHU.
Koolau-poko 1
MAUI.
Wailuku 2
Lahaina 2
Makawao 1
HAWAII.
N. Kohala 1
Kau 1
KAUAI.
Lihue 1
Waimea 1

The license for Koolau-poko, Oahu, will be sold on the above named day at 12 o'clock noon at the front entrance of the Executive Building.

Those for the Islands of Maui, Hawaii and Kauai will be sold in their respective districts on the above date at such hour and place as shall be designated by the several Sheriffs or their Deputies.

Should it for good reasons be found necessary to change the day of sale, due notice will be given by posters in the said districts.

Upset price—For the districts of Wailuku and Lahaina, \$300 each license; for the other districts as advertised \$100 for each license.

Terms—A deposit of twenty-five per cent is required on the fall of the hammer and forfeit of said deposit, should

the full amount of license money not be paid within ten days from the date of sale.

J. A. KING,
Minister of the Interior.
Interior Office, November 13, 1895.
1707-31

POUND NOTICE.

In accordance with Section 1 of Chapter XXXV of the Session Laws of 1888, I have this day changed the location of the Government Pound at Makawao, to Kukuiaeo, at a place known at the old site of the Makawao Corn Mill, in the District of Makawao, Island of Maui.

MR. SAMUEL E. KALAWAO has this day been appointed Pound Master for the above Pound.

J. A. KING,
Minister of the Interior.
Interior Office, November 15th, 1895.
1708-31

The President having proclaimed THURSDAY, NOVEMBER 28th, as a day of National Thanksgiving, the same will be observed as a National Holiday, and all Government Offices throughout the Republic will be closed on that day.

J. A. KING,
Minister of the Interior.
Interior Office, Nov. 16, 1895.
1708-td

T. K. BIER has this day been appointed Poundmaster for the Government Pound at Waimea, in the District of South Kohala, Island of Hawaii, vice J. E. Laan, resigned.

J. A. KING,
Minister of the Interior.
Interior Office, November 18, 1895.
1708-31

MR. M. NABELE has this day been appointed Pound Master for Government Pounds at Hana, District of Hana, Island of Maui, vice Lyon K. Kakani.

J. A. KING,
Minister of the Interior.
Interior Office, Nov. 12, 1895.
1706-31

Owing to the shortness of the present school term, teachers in all Government schools are ordered not to prepare for or hold any Christmas exercises.

By order of the Board of Education.
ALATAU T. ATKINSON,
Inspector General Schools.
4150-1w 1706-2w

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at

Hotel Street.

DINNER AT SANS SOUCI H. A. A C. ROAD RACE.

To Consul-General Shimamura of Japan. A General Spill by the Riders On the Way.

A JOLLY GOOD TIME ALL 'ROUND. SYLVESTER MAKES A WINNING

Champagne and Dainties—Speeches Made and Toasts Drank—Free From Politics—The Advancement of Japanese—Methods and Manners.

Sans Souci was a picture of Orientalism last night when Consul-General Shimamura was tendered a reception by fifty prominent Japanese merchants. The lawn was artistically decorated with Japanese lanterns. The dining-room was a reproduction of a room in a Japanese mansion.

Mr. Ozaki, president of the Japanese Union, made the address of welcome to the new consul-general. Mr. Shimamura was called upon and responded by a short speech, in which he thanked those present for the testimonial of their good fellowship in inviting him to dine with them so soon after his arrival. He felt that their interests had been well looked after by his predecessors, and that there was nothing left for him but to continue in the good way in which they had started. He was not surprised at the progress the Japanese had made here, because it was characteristic of the race. His Government had spent a vast amount of money in educating the young men of Japan in the modern arts and sciences. It had sent them to the four corners of the globe to learn the most modern methods of those branches which would assist them while at peace or war. The benefits of such teachings have been made manifest during the past ten years. Japan which, but a few years ago, was considered a weakling in the world of commerce is today numbered among the strong, and its products will be found in every market in the universe. Progress and Peace are the watchwords of Japan, and while you are citizens of that country, of which you may well feel proud, keep those two words ever before you. You are to progress in your business methods and in the arts and sciences. Do not feel that because our navy is reckoned with the great ones that it was built for the purpose of levying war on weaker or stronger nations. It was built to preserve peace. The education of the Japanese places the people of that nation in a position where they will command respect rather than court displeasure or ridicule. Your actions here, I am satisfied, have proven that, and I am sure the advancement in knowledge that our people have made will aid us materially in still further advancing until we reach the topmost round in the commercial ladder. I thank you, gentlemen, for the kind reception you have given me."

The banquet was an elaborate one and the toasts were numerous. Among those present were Consul-General Shimamura, ex-Consul Shimizu, Dr. Kozima, Dr. Uchida, Goro Narita, J. Takemura, B. Shimizu, G. Igarashi, J. Huga and H. Mizuma.

The festivities were over at nine o'clock.

Death of Mrs. William Foster.

Mrs. Mary Winter Foster died at the Colonial Hotel, Tuesday, November 5th. She was the wife of Judge William Foster and daughter of the late John S. and Mary M. Winter and sister of Mrs. E. R. Hendry of Honolulu, Alice Winter of Honolulu, Mrs. Albert Horner of Kukaia, John W. Winter of Honolulu and Frank L. Winter of Waimuku plantation. Mrs. Foster came to Honolulu from her home in Galesburg, Illinois, and was a teacher in the Fort-street school. In August, 1885, she was married to William Foster. In February last, owing to failing health, she left with her husband for San Francisco, making their home at the Colonial Hotel. In September last she was attacked with bronchial trouble, which resulted in heart and lung failure.

The funeral took place from Trinity Chapel, on Gough street, in San Francisco, at 11 a. m. on the 7th. Rev. George Wallace, formerly of Honolulu, conducting the services. The pall-bearers were W. J. Martin, J. A. Morrow, W. C. Parke, C. W. Ashford, F. G. Skafte and William Morris. In accordance with the wishes of the deceased she was cremated at the Odd Fellows' Cemetery in San Francisco.

In the much talked-of H. A. A. C. road race of Saturday afternoon, D. G. Sylvester crossed the finish line 13 minutes and 30 seconds after he left the beginning of the five-mile course. To some, the fact that Sylvester came out ahead with flying colors was a surprise, but there were many wise men who predicted success for him.

The race was full of incidents, mostly unfortunate, from beginning to end. Only two out of the nine men who started crossed the finish line without having had a spill somewhere on the road.

H. Espinda was the first man off and set out immediately to win the race. A. Giles and Harry Wilder were the next to get the starting push, spying Espinda, sails set, speeding away for Union Square, they made their wheels spin along and caught him outside Sans Souci. Espinda did not like it all and concluded he would spin along too, which he did until reaching the road to Beach Grove. His pushing powers had received too severe a tax, and Wilder and Giles went past him like fleeting shadows.

Then came Lishman, Paris, King, Sylvester, Giles and Angus from the start at pretty close intervals. King dove into the race in earnest and made after Paris, whom he caught at Sans Souci. The two together rode along until they reached Long Branch, when King took the lead. Paris hung to him like a bulldog and switched over to the right, determined to pass King, who turned in time to throw Paris to the ground.

King sped away leaving Paris far behind and caught up with H. Giles and Angus. The three traveled along for some distance together.

In the meantime Sylvester was gaining ground, passing the hind men like an arrow. When he saw the group of three just ahead, he shot out and very soon passed King, Giles and Wilder.

Lishman and A. Giles made after Sylvester when they saw his tactics and hung to him in good style. In some manner Sylvester's wheel wriggled and he half fell, throwing both Lishman and Giles. Sylvester was on his wheel and off in a jiffy, advancing far ahead of the fallen wheelmen.

Angus caught H. Giles at Beach Grove and the two came up with Paris who hung with them all the way to King street, when they overtook King and Wilder pacing along.

The trio were just in the act of passing the pair opposite Sam Parker's when an unfortunate accident occurred. A tramcar was going towards Waikiki. The horses became frightened and one of the animals shied touching Angus just hard enough to throw him to the ground, bruising him up considerably. H. Giles was in time to avoid it and sped along after Sylvester, leaving Angus behind.

When Angus fell he bumped into Paris, throwing him but he was on his wheel very soon and after Giles, but it was too late. Sylvester had too big a lead and won the race hands down, making a very pretty finish.

Following was the order of the wheelmen as they crossed the finish line: D. G. Sylvester, H. Giles, T. King, E. Paris, A. Giles, H. Wilder, H. Espinda and P. Lishman.

"Steer for the Church."

Writing of his visit to the Tokolau, Ellise and Gilbert Groups, Captain Hore, of the mission yacht John Williams, says: Very striking was the fact that at every one of these islands the most prominent object on approach is a large white church or schoolhouse (and most of them on closer inspection are spacious and substantial buildings), and perhaps no safer "sailing directions" could be given, for a stranger visiting all these islands than to say, "steer for the church and look out for the pastor coming off in his canoe to give you further instruction."—Auckland Herald.

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One key locks it; 16 small 4 large pigeon holes; 2 small, 8 large drawers. Arm rests.

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Partial list per Amy Turner of Goods just received from New York.

Wheel Barrows,

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MATTOCKS,

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IMPORTERS, Hardware and General Merchandise.



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A Model Plant is not complete without Electric Power, thus dispensing with small engines.

Why not generate your power from one CENTRAL Station? One generator can furnish power to your Pumps, Centrifugals, Elevators, Plows, Railways and Hoists; also furnish light and power for a radius of from 15 to 20 miles.

Electric Power being used saves the labor of hauling coal in your field, also water, and does away with high-priced engineers, and only have one engine to look after in your mill.

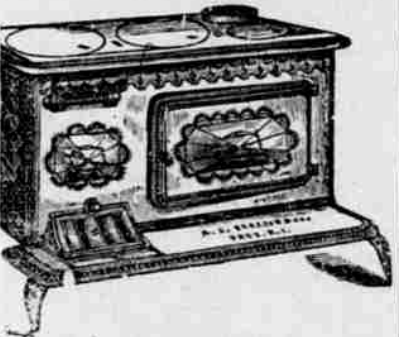
Where water power is available it costs nothing to generate Electric Power.

THE HAWAIIAN ELECTRIC COMPANY is now ready to furnish Electric Plants and Generators of all descriptions at short notice, and also has on hand a large stock of Wire, Chandeliers and all Electrical Goods.

All orders will be given prompt attention, and estimates furnished for Lighting and Power Plants; also attention is given to House and Marine Wiring.

THEO. HOFFMANN, Manager.

JOHN NOTT, IMPORTER AND DEALER IN



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Is the famous KROEGER. It is always in the van of improvement. We are showing a

NEW-STYLE KROEGER

That has recently been put on the market. It is a gem. Liberal discount for cash. Call and see it. It is a beauty.

PIANOS kept in tune for one year gratis. Old instruments taken as part payment. Tuning and repairing a specialty.

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Chosen by a personal selection from first-class manufacturers has been obtained and will be added to from time to time.

One of Brunswick & Balke's

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Connected with the establishment, where lovers of the cue can participate.

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HALL'S, London, E. C. Patent Carbonic and Hydride Refrigerating and Ice Making Machines, in use throughout Australia and New Zealand. By Hall's process cold-beer dealers, hotels, butchers and dealers in all kinds of perishable articles of food can have fitted small installation machines thoroughly effective, making their own ice at the same time as providing cold storage. No previous knowledge necessary. Any man or woman can run the machine. Hall's Patent Brine Walls, portable, may be used in cold storage chamber. See illustrated catalogue.

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Capital of the company and reserve, reichsmarks, 6,000,000

Capital their reinsurance companies, 101,650,000

Total reichsmarks, 107,650,000

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Capital of the company and reserve, reichsmarks, 8,830,000

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In the Supreme Court of the Hawaiian Islands.

SEPTEMBER TERM, 1895.

JAMES I. DOWSETT vs. MAUKAALA, NAEA, KAUMAEA, HINA, ELIKAI AND KALUAHILLO.

Before JUDD, C.J., FREAR, J., and J. A. MAGOON, Esq., a member of Bar, in place of Bickerton, J., absent from illness.

A new trial will not be granted on the ground that a mixed jury was not drawn alternately as directed by the statute, no objection having been taken to the method of drawing until after the jurors had been examined on their voir dire and accepted, and the party afterwards objecting to such drawing not having been prejudiced thereby.

Tenants were living on an ahupuaa of land by permission of the chief or konohiki under the old tenure previous to the Land Commission. Such possession is presumed to continue to be permissive after the award of title to the owner of the ahupuaa, unless acts are shown which would render the possession adverse.

The defendants contend that the record disclosed a joint judgment against them, whereas their occupation was separate. Held, as the point did not come to the Appellate Court in the bill of exceptions, it cannot be considered.

OPINION OF THE COURT BY JUDD, C. J.

For a statement of the plaintiff's title see Dowsett v. Maukalea et al., 9 Haw. 233. On the last trial of this case the Circuit Judge presiding charged the jury that the evidence showed that the entry of the defendants or their ancestors was a permissive one, they holding subject to the chief or konohiki and that there was no evidence to establish their possession as adverse to the plaintiff, and the jury returned a verdict for plaintiff without leaving their seats. The case comes to us on a bill of exceptions. The first part of the bill is objectionable because not exhibiting in detail the various exceptions taken during the trial, but referring to them as to appear in the stenographer's notes when presented. See our decision on such a bill of exceptions in Kapua v. Iae, filed July 26, 1895, and in De Fraga v. Portuguese Mutual Ben. Soc., filed October 18, 1895.

As this bill was allowed before a decision of this Court upon this question, we consider the only point raised in this connection. The case called for a mixed jury. The defendants' counsel claims that the trial court erred in not drawing the names of the Hawaiian and foreign jurors alternately from the box. The clerk's minutes do not agree in every respect with the notes of the stenographer. We account for this from the omission of the stenographer to note, in the discussions between the Court and the counsel for defendants, Mr. Rosa, all that transpired. The best conclusion we can come to is that the objection to the court's allowing the jury to be drawn as it was, that is, all the six Hawaiians first and then six foreigners, was not formally made until after they had been sworn on their voir dire and accepted. Without deciding whether the statute which prescribes that the mixed jury must be drawn alternately (Compiled Laws, p. 359) is mandatory or directory, we hold that the objection was waived by accepting the jury. Counsel, if he insisted upon the objection, should have moved that the jury be discharged and a new jury drawn. We cannot find that the method pursued by the court prejudiced the defendants in any way, and we overrule the exception on this point.

The Judge's charge is as follows: "Gentlemen of the jury, this is the third trial of this case, the first trial being before Judge Whiting, for which a verdict for the defendants was rendered. A new trial was granted by Judge Whiting and his order was sustained by the Supreme Court, and the decision of the Supreme Court in that case has now become the law in this case. The trial which took place before myself in November resulted in a disagreement; at that time the plaintiff asked for instructions which practically amounted to the statement of the law of the case as rendered by the Supreme Court, but for fear that there had been evidence different from the trial upon which the decision of the Supreme Court had been based, I declined to give the instructions asked for and sent the case to the jury. After a more careful review of the evidence, in the former case and strict attention to the evidence as given in this case, I am inclined to the opinion that my giving the case to the jury in the former trial was error under the instructions which I did give.

The plaintiff in this case has shown you by a direct chain of papers that he is the owner of this portion of the ahupuaa of Halaewa; those documents are prima facie evidence of their contents and would vest the title in the plaintiff subject to any adverse possession which the defendants might have shown you.

Adverse possession is of two or three qualities; first, where a man goes into possession under a paper title with a claim of title; second, by oral agreement; third, as a mere usurper. Where the occupation has been with the permission of the owner of the land, in order that adverse possession may begin to run it is necessary that some direct notice be given to the owner that the occupier is holding hostile to himself.

The statute of limitations which is the basis of adverse claims, is in the nature of a penalty and is never enforced unless it is shown that the owners of the land have slept upon their rights for the period of twenty years.

I feel compelled to instruct you as a matter of law, that the evidence has shown that the entry of these persons or their ancestors was a permissive one; that they held subject to the chief or konohiki, and that there is no evidence to establish adverse possession in this case, the defendants having failed to occupy the land notoriously and completely, — continuously for the requisite period of twenty years adversely to the claim of the plaintiff."

The defendants claim that the court

erred in relying upon the original permissive entry of the defendants' ancestors, such permissive entry antedating the award of the Land Commission under which the plaintiff claims. The argument is made that as adverse possession prior to an award of the Land Commission cannot be tacked on to adverse possession subsequent to that date in order to make out the full period of twenty years (Kanaia v. Iong 3 Haw. R. 332) so the adverse possession cannot be defeated by permissive acts or possession or entries antedating the award. In other words the possession of a person living on land by permission of the chief before he obtained a paper title to the land cannot be considered in law as continuing to have this permissive nature.

We cannot agree with this contention. The Land Commission was a court and had full jurisdiction to settle all claims to land, whether by claimants of the larger divisions of land as divided in ancient times by name, or by the hoainas or natives living on the lands under the chiefs. If the Land Commission expired and the hoainas or native tenants neglected to present their claims for the parcels of the land which they desired and for which they would ordinarily be awarded a kuleana title, showing merely their occupation of the same as a foundation for it, we think they must be considered as content with their prior status as tenants by permission of the land owner. Such tenancy would therefore, in law, be considered as continuing until some act of theirs changed their holding from the permissive nature to one of an adverse or hostile nature. The evidence shows that the defendants thought they had a right to the land because they had lived on it so long.

The legislation in behalf of the native tenants was extremely liberal. We call especial attention to an Act passed on the 6th August, 1890, where fee simple titles free of commutation were authorized to be granted to all native tenants or hoainas for the land occupied and improved by them whether the same were portions of government lands or land held by the king or any chief or konohiki. House lots, not in Honolulu, Lānae or Hilo, not exceeding one quarter of an acre, were authorized to be granted and the cultivated ground or kalo lands were limited to those actually cultivated by the applicant. In Oui v. Meek, 2 Haw. 87, this Court held that the Act repealed the former legislation and the ancient tenure, but in the 7th section preserved to the people, whether hoainas by ancient custom or kuleana holders, certain specific rights as to take firewood, house timber, thatch, &c., for their own use. Judge Robertson says that this Act had for one of its purposes "the protecting the hoainas in the enjoyment of certain rights therein enumerated as against the sweeping operation of the konohiki's allodial titles." In Basile v. Montgomery, 1d 63, the court held that the sale of a portion of an ahupuaa gave to the grantee as a tenant or hoainas of the ahupuaa a common right of piscary in the fishing ground adjacent; and that in the meaning of the law regulating fisheries, a tenant was any one occupying "lawfully" any portion of the ahupuaa.

The argument might be made that the grant of these specific rights, attached to all persons living on any ahupuaa, whether kuleana holders or not was inconsistent with their holding as tenants at will of the land owner.

This use of the word "lawful" shows that the court did not intend to hold that any person living without right on the ahupuaa whether a kuleana holder or not, had the specific rights granted to the people. To entitle a person to such rights he must be a "lawful" occupier, that is, have some title whether by being the holder of a kuleana, or having purchased a portion of the ahupuaa, as was the case before the court, or by some other lawful tenure. Now, if the hoainas so called, without paper title by kuleana, remain on the land after his permissive occupancy has ceased either by notice to quit or by his own act of refusing to attend, he cannot be considered as being a "lawful occupier" and entitled to the specific rights of the people above set forth. It seems to us that these specific rights on an ahupuaa must be confined to those who have lawful right to reside there whether upon kuleana or by the will of the owner. To say that the old tenancy by will of the chief or konohiki became an adverse holding as soon as the chief or konohiki received his title to the land and this without notice on the tenant's part that he held thenceforth adversely, would give such person holding thereafter for twenty years, to all intents and purposes, as perfect a title to the land he held as if he had applied for and received a fee simple title therefor and he thus be saved the expense of procuring such title. The law did not intend thus to favor those who slept upon their rights.

By the evidence the holding of these defendants became adverse in 1885 when they refused to pay rent. The statute began to run then. This suit interrupts it. We think the Judge's charge was right and was warranted by the evidence.

The last point to be considered is that the record discloses that a joint judgment has been obtained against defendants who lived separate and apart from each other upon the same ahupuaa not claiming jointly or as tenants in common; but each for himself on a distinct portion of the ahupuaa acquired by him, it may be of the same grantor, but at different times and under different circumstances.

This point, not having been raised at the trial below and not being certified to us in the bill of exceptions, we do not feel at liberty to consider.

We overrule the exceptions. C. Brown for plaintiff; W. A. Kinney for defendants.

Honolulu, November 12th, 1895.

The New Church.

Rev. T. D. Garvin will probably hold the first service in the new Christian church next Sunday. The Australia brought the windows for the building, and the work will probably be pushed to completion during the present week.

In the Supreme Court of the Hawaiian Islands.

SEPTEMBER TERM, 1895.

A. V. GEAR and B. L. FINNEY vs. G. C. KENYON and E. NORRIE.

IN EQUITY.

Before JUDD, C. J., FREAR, J., and Circuit Judge WHITING, who sat in place of Mr. Justice Bickerton, absent from illness.

The title to a newspaper, the "Evening Bulletin," which is incorporated in the publication of a newspaper entitled "The Independent."

Property in a trade-mark cannot be acquired or retained independently of the article which the trade-mark symbolizes.

Intentional abandonment of the use of a trade-mark is intention of the abandonment of the right to the trade-mark.

OPINION OF THE COURT BY JUDD, C. J.

A. V. Gear was the proprietor of a newspaper called the "Independent." B. L. Finney was the proprietor of a newspaper called the "Evening Bulletin." On the 17th June last these two persons formed a partnership, merged the two papers into one and the partnership published a newspaper under the title "Evening Bulletin" with which is incorporated the "Independent." The defendants thereafter published a newspaper under the title "The Independent."

The plaintiffs' bill against defendants alleges *inter alia* that the plaintiff secured a "copyright" for the title of the newspaper the "Evening Bulletin" with which is incorporated the "Independent," and applied for but failed to secure copyright for the title "The Independent"; that Gear is the original author of the title the "Evening Bulletin" with which is incorporated the "Independent"; that on the 24th June last the defendants published a newspaper called "The Independent," though notified by plaintiffs that they would consider it an infringement of their copyright, and that they had never abandoned the title "The Independent," but intended to preserve the same for themselves in their newspaper business, and plaintiffs pray that the defendants may be enjoined from publishing any newspaper under the title "The Independent."

The defendants demurred and the demurrer was sustained by Circuit Judge Cooper on the points that the bill shows no infringement and shows an abandonment of the title "The Independent." The case comes to us on these points alone, the plaintiffs waiving other points which were ruled in their favor.

A few principles of law may here be stated. The right to a trade-mark is founded upon possession and possession rests upon the mere act of adoption and use. Browne on the Law of Trade Marks, Sec. 46, and cases cited. Registration of a trade-mark is not essential to its ownership nor to the right to sue for an infringement, one object of the statute of registration being to afford a convenient method of proving an adoption of the trade mark; that is, it affords prima facie evidence of ownership. A newspaper title merely does not seem to be an appropriate subject of copyright and therefore the copyrighting by the plaintiffs of the title to their newspaper cuts no figure in this case. Each publication itself may be the subject of copyright, but not the title distinct from the subject matter of publication. "The title of a newspaper may possess all the characteristics of a trade-mark when the same is a newly coined term or an arbitrary symbol; but that is generally not so." Browne, Sec. 547.

There are numerous cases in which courts of equity have enjoined the use of a title of a newspaper which bears such a similarity to the title of another paper which has a right to a trade-mark that the casual reader, not the close observer, would not readily distinguish between the two and would be likely to be deceived or misled into purchasing the one for the other. To show infringement identity is not essential; similarity is sufficient. 32 Fed. R. 94. A few of the cases we now cite.

"The Evening Post" was not a sufficient infringement on the "Morning Post" to entitle plaintiffs to an injunction. Borthwick v. Evening Post, 37 Ch. Div. 449.

"Chatter Book" was an imitation and an infringement of "Chatter Box," both books gotten up in the same style and both juvenile publications. Estes v. Leslie, 29 Fed. R. 91.

"The Northwest News" held no piracy of "The New Northwest." 11 Oregon, 322.

"El Cronista" held no infringement of "El Cronica" cited in 26 Eng. and Amer. Encyc. of Law, p. 271.

"The New Era" is no infringement of "The Democratic Republican New Era." Bell v. Locke, 8 Paige, 75.

We are not favored upon any allegation in the bill with a view of the two papers so far as to ascertain by inspection whether they are so similar in title, size, paper, type, method of folding, etc., as to mislead the casual observer. We have to pass upon the naked allegations in the bill setting out the respective titles. We find that they are certainly not *idem sonans* nor would one desiring to buy the "Evening Bulletin," with which is incorporated the "Independent," be likely to be deceived into buying "The Independent" instead of the former.

Upon the face of the bill we fail to find an infringement of the title of the plaintiffs' present newspaper. But the plaintiffs claim in argument that they still own the title, as a trade-mark, of their former paper, "The Independent," and they have never abandoned it. There is no exact averment in the bill that they own this title, but it may be inferred from other allegations. If the plaintiffs still own the trade-mark, "The Independent," then the publication of the defendant's paper is an infringement, for the titles are identical. The question remains, therefore, do the plaintiffs still own this trade-mark or have they lost it by abandonment? A trade-mark

may be lost by voluntary abandonment. Mere non-user is not abandonment. But intentional abandonment of the use of a trade-mark is intention of the abandonment of the right to the trade-mark. Property in a trade-mark cannot be acquired or retained independently of the article which it symbolizes. It differs from a copyright or a patent, for the owner of these may retain them, though he may have abandoned all intention to make use of them. As expressed by the Court in *Canoe v. Swan & Co.*, 54 Ill. 437, "It is the actual use of the trade-mark affixed to the merchandise of the manufacturer and this alone which can impart to it the element of property." Judge Wallace in *Atlantic Milling Co. v. Robinson et al.*, 20 Fed. R. 218, says, "The right to the exclusive use of a word or symbol as a trade-mark is inseparable from the right to make and sell the commodity which it has been appropriated to designate as the production or article of the proprietor. It may be abandoned if the business of the proprietor is abandoned."

The bill in our opinion shows deliberate abandonment of the publication of the old "Independent" and the use of that name as a trade-mark — but with the intention to retain the ownership of the mark itself. This, as we have seen, is impossible.

The authorities do not consider mere suspension of the manufacture of an article without evidence of an intention to abandon as sufficient to destroy the right. *Crowley v. Light-fowler*, Law Reports, 2 Ch. 478. "It would be absurd to suppose that a person lost his trade-mark by not putting more goods on the market when it was glutted." *Mousson & Co. v. Boehm*, 1d, 26 Ch. Div. 406.

But the bill shows not merely the non-user by plaintiff of the newspaper "The Independent" but the publishing of a different paper with a different title, which seems to us to show intention to abandon the title "The Independent." We think the demurrer was properly sustained. Appeal dismissed.

E. P. Dole for plaintiffs; P. Neumann for defendants.

Honolulu, November 12, 1895.



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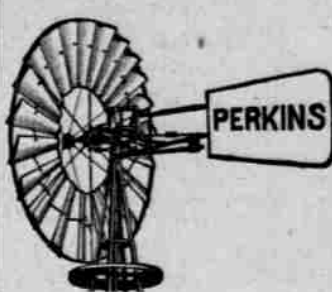
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DR. I. S. TITUS, San Francisco DR. G. A. SHUMLEPP, Supt. late Supt. State Insane Asylum. 1895-96

